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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,108	04/23/2004	Urban Widlund	1517-1045-1	7531
466	7590	06/19/2006	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			BOLLINGER, DAVID H	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/830,108

Applicant(s)

WIDLUND, URBAN

Examiner

David H. Bollinger

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 6 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 23 April 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 3653

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 5, 7 through 10, 15, 18, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3 lines 2-3, the recitation "the side surface" lacks proper antecedent basis. Plural side surfaces has previously been recited and it is unclear if this recitation is intended to refer to all side surfaces or to only a single side surface.

In claim 5 line 2, the language "the entire extension" lacks proper antecedent basis, therefore; it is not clearly understood if this language refers to the previous extension recited in the last line of claim 1.

Claim 20 is indefinite because the preamble of the claim recites a method while the body recites only a single step in a method while also reciting structure of the dispenser apparatus. Accordingly, it is unclear whether the claim is intended to encompass the method of manufacture or the apparatus that is manufactured as a result of the method.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 12 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson (cited by applicant).

See Figures 1 and 2 with particular note of the wave-like dispensing opening formed along line 30. Note also Figure 4 which shows forming the dispenser from a single piece of material.

5. Claims 1 through 3, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Marcalus (cited by applicant).

See Figures 1 and 2 which show the dispensing opening formed to extend diagonally across the entire top surface of the dispenser.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of Phenner.

Nelson as interpreted above in paragraph 4 teaches everything except the opening extending down along at least a part of one side surface of the dispenser.

Phenner teaches the opening of a dispenser extending down at least a part of one side surface of the dispenser (at 24).

In view of the teachings of Phenner, it would have been obvious to one of ordinary skill in the art to extend the opening of Nelson down at least a part of one of the sides of the dispenser.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marcalus in view of Phenner.

Marcalus as interpreted above in paragraph 5 teaches everything except the opening extending down along at least a part of one side of the dispenser.

Phenner teaches the opening of a dispenser extending down at least a part of one side surface of the dispenser (at 24).

In view of the teachings of Phenner, it would have been obvious to one of ordinary skill in the art to extend the opening of Marcalus down at least a part of one of the sides of the dispenser.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of Nemoede.

Nelson as interpreted above in paragraph 4 teaches everything except the opening extending down along the entire extension of one side surface of the dispenser.

Nemoede shows the opening in a dispenser extending the entire extent of one side surface of the dispenser (at the location of 18).

In view of Nemoede, it would have obvious to one of ordinary skill in the art to extend the opening of the dispenser along the entire extension of one side of the dispenser in Nelson.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marcalus in view of Nemoede.

Art Unit: 3653

Marcalus as interpreted above in paragraph 5 teaches everything except the opening extending down along the entire extension of one side of the dispenser.

Nemoede shows the opening in a dispenser extending the entire extent of one side surface of the dispenser (at the location of 18).

In view of Nemoede, it would have obvious to one of ordinary skill in the art to extend the opening of the dispenser along the entire extension of one side of the dispenser in Nelson.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of Mathies (cited by applicant).

Nelson as interpreted above in paragraph 4 teaches everything except the opening having an essentially oval shape.

Mathies teaches such an opening in a dispenser being of oval shape (see Figures 1 and 2).

It would have been obvious to one of ordinary skill in the art to make the opening of Nelson in an oval shape in view of the teachings of Figures 1 and 2 of Mathies which show a slit like Nelson and an oval.

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marcalus in view of Mathies (cited by applicant).

Marcalus as interpreted above in paragraph 5 teaches everything except the opening having an essentially oval shape.

Mathies teaches such an opening in a dispenser being of oval shape (see Figures 1 and 2).

Art Unit: 3653

It would have been obvious to one of ordinary skill in the art to make the opening of Marcalus in an oval shape in view of the teachings of Figures 1 and 2 of Mathies which shows an oval among other possible shapes that may be employed.

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of Willis.

Nelson as interpreted above in paragraph 4 teaches everything except the sheets interfolded with an uneven number of panels for the sheets so that the subsequent sheet to be withdrawn is directed in the same direction as the previous sheet.

Willis teaches an arrangement of sheets for such a stack where there is an uneven number (3 in Willis) as shown in Figure 4. This results in the subsequent sheet to be withdrawn is directed in the same direction as the previous sheet.

In view of Willis, it would have been obvious to one of ordinary skill in the art to employ a stack with uneven number of panels of the folded sheets in the dispenser of Nelson. This the substitution of one known stacking arrangement for another.

14. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marcalus in view of Willis.

Marcalus as interpreted above in paragraph 5 teaches everything except the sheets interfolded with an uneven number of panels for the sheets so that the

subsequent sheet to be withdrawn is directed in the same direction as the previous sheet.

Willis teaches an arrangement of sheets for a such a stack where there is a uneven number (3 in Willis) as shown in Figure 4. This results in the subsequent sheet to be withdrawn is directed in the same direction as the previous sheet.

In view of Willis, it would have been obvious to one of ordinary skill in the art to employ a stack with uneven number of panels of the folded sheets in the dispenser of Marcalus. This the substitution of one known stacking arrangement for another.

15. Claims 7 through 10, 15, 18 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

16. Claims 6 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the wave-like shape of the opening recited in claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

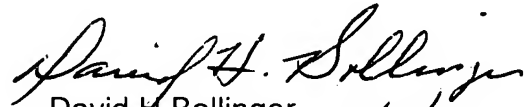
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Bollinger whose telephone number is 571-272-6935. The examiner can normally be reached on Monday through Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3653

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David H Bollinger
Primary Examiner
Art Unit 3653
6/11/06